

Notice of Allowability

Application No.

09/923,199

Examiner

PAUL A BELL

Applicant(s)

INOUE ET AL.

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/21/2004.
2. ☒ The allowed claim(s) is/are 1,3-14,16-27 and 29-47 *P4B*
3. ☒ The drawings filed on 06 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Chan Nguyen
CHANH NGUYEN
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with John J. Torrente # 26,359 on 9/30/2004.

3. The application has been amended as follows:

In claim 25 line 1 replace [as claimed in claim 15] with as claimed in claim 14

In claim 26 line 1 replace [as claimed in claim 15] with as claimed in claim 14

In claim 29 line 1 replace [as claimed in claim 28] with as claimed in claim 27

In claim 30 line 1 replace [as claimed in claim 28] with as claimed in claim 27

4. The following is an examiner's statement of reasons for allowance:

The invention as claimed in applicant's independent claims 1, 14, 27, 40 and 45 when considered as a whole, the exact arrangement of parts and/or the inter connections and functions, is not taught nor suggested by the prior art made of record.

With regard to independent claims 1, 14, and 27 the prior art of record does not teach or fairly suggest the claim combination of features, "input means for inputting two images of same subject obtained at different times" "to fuse the two inputted images together for stereoscopic viewing".... "to display a mark in the designated position on the display screen in a manner being superposed on each of the two images" as illustrated in figure 14, and further regard to claim 40 the limitation "searching means for searching for images forming stereo image and having a correspondence relationship there between from the plurality of images stored in said storage means, based on the information", and still further regard to claim 45 "a first display"

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....."displaying results of the search""a second display""displaying any two images selected from the search results so as to be viewable as a stereoscopic image" as illustrated in figures 15a-15d.

The closest prior art of record Berliner (6,181,768) lack the features mentioned above. Berliner and the other prior art of record are intentionally directed towards capturing different images of the object by virtue of placing the camera at a different perspective or angles to the object and the time of measurement of each different image is not used. In contrast the applicant intentionally tries to capture the same image of the object at different times for analysis of a possible changes of the same image

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Bell whose telephone number is (703) 306-3019. If attempts to reach the examiner by telephone are unsuccessful the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377 can help with any inquiry of a general nature or relating to the status of this application.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or Faxed to: (703) 872-9306

Or Hand-delivered to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor
(Receptionist)

Paul Bell

Paul Bell

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September 30, 2004